

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

**Proposing rule making related to the all Iowa opportunity scholarship program
and providing an opportunity for public comment**

The College Student Aid Commission hereby proposes to amend Chapter 8, “All Iowa Opportunity Scholarship Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 261.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 261; 2021 Iowa Acts, Senate File 285; and 2021 Iowa Acts, House File 868.

Purpose and Summary

This proposed rule making implements amendments enacted by 2021 Iowa Acts, Senate File 285, to allow a scholarship recipient to suspend enrollment for a period not to exceed two years in the event of military deployment or temporary medical incapacity, in relation to a national or state declaration of emergency or volunteer service or missionary work, or other exceptional circumstances approved by the Commission.

This proposed rule making also implements amendments enacted by 2021 Iowa Acts, House File 868, by adding stepchildren to each category in the definition of “eligible surviving-child student.” In addition, a new category is added to the definition of “eligible surviving-child student” to provide priority scholarship eligibility to children or stepchildren of an employee of the Iowa Department of Corrections or of a judicial district department of correctional services who was killed in the line of duty.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Commission no later than 4:30 p.m. on August 31, 2021. Comments should be directed to:

Mark Wiederspan
Executive Director
Iowa College Student Aid Commission
475 S.W. Fifth Street, Suite D
Des Moines, Iowa 50309-4608
Phone: 515.725.3410
Fax: 515.725.3401
Email: mark.wiederspan@iowa.gov or administrative rules website at rules.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **283—8.2(261)**, definition of “Eligible surviving-child student,” as follows:
“*Eligible surviving-child student*” means a person who is not a convicted felon as defined in Iowa Code section 910.15 and who meets any of the following criteria:

1. Is the child or stepchild of a peace officer, as defined in Iowa Code section 97A.1, who was killed in the line of duty as determined by the board of trustees of the Iowa department of public safety peace officers’ retirement, accident, and disability system in accordance with Iowa Code section 97A.6(16).

2. Is the child or stepchild of a police officer or fire fighter, as defined in Iowa Code section 411.1, who was killed in the line of duty as determined by the statewide fire and police retirement system in accordance with Iowa Code section 411.6(15).

3. Is the child or stepchild of a sheriff or deputy sheriff, as defined in Iowa Code section 97B.49C, who was killed in the line of duty as determined by the Iowa public employees’ retirement system in accordance with Iowa Code section 97B.52(2).

4. Is the child or stepchild of a fire fighter or police officer included under Iowa Code section 97B.49B, who was killed in the line of duty as determined by the Iowa public employees’ retirement system in accordance with Iowa Code section 97B.52(2).

5. Is the child or stepchild of an employee of the Iowa department of corrections, or of a judicial district department of correctional services, who was killed in the line of duty.

ITEM 2. Adopt the following **new** definition of “Stepchild” in rule **283—8.2(261)**:
“*Stepchild*” means the same as defined in Iowa Code section 450.1.

ITEM 3. Adopt the following **new** subrule 8.3(4):

8.3(4) If a scholarship recipient suspends enrollment at the eligible college or university after receipt of the scholarship due to military deployment; due to a temporary medical incapacity; in relation to the declaration of a national or state emergency; service in AmeriCorps, Volunteers in Service to America, or the federal Peace Corps; due to a period of religious missionary work conducted by an organization exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Service; or other exceptional circumstances approved by the commission, the recipient must apply for a waiver. If

the waiver is approved, the recipient is not required to continuously receive the scholarship during the period covered by the waiver.